

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mail date: August 16, 2004

Opposition No. 91/125615

**University of Southern
California**

v.

University of South Carolina

Cheryl Butler, Attorney, Trademark Trial and Appeal Board

This case now comes up on opposer's motion, filed June 11, 2004, to amend the notice of opposition and the parties' stipulated motion, filed August 2, 2004, to extend discovery and trial dates.

Opposer brought its motion to amend its notice of opposition partially in response to certain ambiguities identified by the Board in its April 29, 2004 decision denying opposer's motion for summary judgment, then under consideration. In particular, opposer seeks to clarify that it is relying on its common law rights in its SC mark, including the presentations termed the Baseball Interlock and the SC Interlock as described in its earlier motion for summary judgment. In addition, opposer seeks

to rely on its Registration No. 2683137, which issued on February 4, 2004, well after the commencement of this proceeding.¹

Applicant has not filed a response to opposer's motion. Moreover, in the August 4, 2004 stipulation concerning the proceeding schedule, applicant indicates that it will not oppose the motion, and expects that the Board will set the time for applicant to answer the proposed amended notice of opposition.

Once a responsive pleading is served, a party may amend its pleading only with the written consent of the adverse party or by leave of the Board. The Board liberally grants leave to amend pleadings at any stage of a proceeding when justice so requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the adverse party or parties. See Fed. R. Civ. P. 15(a); and TBMP §507.02 (2nd ed. rev. 2004).

In view thereof, opposer's motion to amend its notice of opposition is granted, and opposer's amended notice of opposition is noted and entered. See, also, Trademark Rule 2.127(a).

Applicant is allowed until **thirty days** from the mailing date of this order to file its answer to the amended notice of opposition.

The parties' stipulated motion to reschedule discovery and trial dates is granted. Dates are reset in accordance with the parties' request and repeated below:

¹ Such registration is for an interlocking SC stylization for multiple goods and services in various International Classes.

THE PERIOD FOR DISCOVERY TO CLOSE:	November 1, 2004
30-day testimony period for party in position of plaintiff to close:	January 31, 2005
30-day testimony period for party in position of defendant to close:	March 29, 2005
15-day rebuttal testimony period to close:	May 16, 2005

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Rule 2.125.

Briefs shall be filed in accordance with Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Rule 2.129.
